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SUBJECT: COPUOS: GUIDANCE FOR 52ND SESSION OF UN COMMITTEE  
ON THE PEACEFUL USES OF OUTER SPACE, JUNE 3-12, 2009

REF: A. STATE 11917  
[B. STATE 28279](#)  
[C. UNVIE 103](#)  
[D. UNVIE 225](#)  
[E. STATE 12948](#)  
[F. MOSCOW 556](#)  
[G. STATE 2007](#)

[1](#)1. Following is guidance for the 52nd session of the UN Committee on the Peaceful Uses of Outer Space (COPUOS). This guidance will focus on matters that require specific action by the Committee. USDEL should draw on detailed guidance in ref A (Scientific and Technical Subcommittee) and ref B (Legal Subcommittee) for other issues relating to the work of the subcommittees.

[1](#)2. General Overview: The 2009 sessions of the Scientific and Technical and Legal Subcommittees were successful from the U.S. perspective. The U.S. has made progress in reaching agreement on vital UN reforms giving us the opportunity to provide solid leadership on a range of issues in the UN system. U.S. activity in space, both governmental and commercial, is governed by international and domestic laws and regulations, which have contributed to the orderly use of space by all nations. As interest in and use of space increases, we must participate actively in shaping the space legal and regulatory environment. This is as true for COPUOS and its subcommittees as any other UN body. Additionally, we are well positioned because of the results of Unispace III that reflect, for the most part, more achievable recommendations than previous Unispace reports and support a number of USG priorities in international space cooperation. COPUOS members will continue to draw upon the July 19-30, 1999 Unispace III report and the recent report to the UNGA on progress achieved in implementing the recommendations of Unispace III (a/59/174) in formulating proposals for new agenda items and other COPUOS-sponsored activities. USDEL should take advantage of opportunities to show linkage between USG space activities and themes in these reports.

[1](#)3. Collision of Iridium 33 and Cosmos 2215 satellites:

Refs C, D, E and F contain information concerning the collision of Iridium 33 and Russia's Cosmos 2251 satellites, notifications provided by USDELS at the STSC and LSC, and

subsequent exchanges of information with the Russian Federation. At this session, USDEL will provide an update on the debris field resulting from the collision and Brigadier General Susan Helms, Director, Plans and Policy, J-5, United States Strategic Command, will present a briefing on the Iridium-COSMOS satellite collision. In addition, USDEL may use the following points as necessary:

--The incident highlights the limitations of and risk inherent in the current practices and capabilities of satellite operators and the space surveillance community.

--However, the incident illustrates the risks arising from the increasing number of objects in space and the critical need to minimize space debris.

--The incident also highlights the critical need to minimize space debris.

--In addition, this incident serves as a reminder of the importance of the long-standing principle of cooperation and mutual assistance in the exploration and use of outer space.

--This incident also can serve as an impetus to increase bilateral and multilateral Transparency and Confidence Building Measures (TCBMs) relating to space activities.

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--The U.S. is currently improving our space situational awareness by increasing our capability to conduct analysis on the 800 active maneuvering satellites.

--The USDEL may describe other ways the USG is working to improve U.S. space situational awareness capabilities drawing upon relevant interagency-cleared statements, as appropriate.

-- The U.S. has already received technical information from Russia on this event, which served as a useful contribution to the U.S. review.

-- The U.S. also intends to engage with government and private sector satellite operators to increase cooperation and information sharing.

-- The U.S. continues to support discussions on pragmatic proposals to ensure the long-term sustainability of the space environment.

14. Arms Control: The issue of space arms control may be a major issue given the new U.S. Administration. If this occurs, USDEL should stress that COPUOS is concerned exclusively with international cooperation in the peaceful uses of outer space, as indicated by its title. The first committee of the UNGA (Disarmament and International Security) and the CD would be the more appropriate multilateral fora to discuss arms control matters related to outer space. Our objective in COPUOS and its subcommittees is to underscore the unprecedented international space cooperation now underway and reinforce opposition to calls in the CD for arms control negotiations on outer space. USDEL may draw on the following:

-- There is unprecedented international cooperation in space.

-- The lawful national security uses of space have broad benefits for the international community and enhance international peace and security. Examples include treaty compliance/ monitoring, communications, environmental monitoring, GPS, refugee tracking, counterterrorism, and sanctions enforcement.

-- If the USDEL is pressed about the Administration's statement on the White House Defense web site regarding a worldwide ban on weapons that interfere with military and commercial satellites (see note below for exact statement),

the USDEL should state that the Obama administration is conducting a comprehensive review of national space policies (NOTE- The statement is not/not on an updated version of the White House site). If further pressed regarding continuity in U.S. space policy, USDEL may also note that:

--- it is a part of long-standing U.S. space policy that the United States will maintain and strengthen the established principle of free access to, and use of, outer space for peaceful purposes by all nations in support of legitimate economic and security interests.

--- as space becomes an increasingly congested and complex domain, the U.S. intends to take an active leadership role in identifying and implementing cooperative efforts with established and emerging members of the international space-faring community to ensure the safety of the space assets of all nations.

--- building upon recent progress at the United Nations on international guidelines for orbital debris mitigation, the United States intends to sustain its global leadership in spaceflight safety and in the formulation of practical guidelines to preserve the space environment for future generations. (NOTE: From January 20, 2009 to approximately April 29, 2009, the statement at <http://www.whitehouse.gov/agenda/defense> previously read: "build defense capabilities for the 21st century; ensure freedom of space: the Obama-Biden administration will restore American leadership on space issues, seeking a worldwide ban

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on weapons that interfere with military and commercial satellites. They will thoroughly assess possible threats to U.S. space assets and the best options, military and diplomatic, for countering them, establishing contingency plans to ensure that U.S. forces can maintain or duplicate access to information from space assets and accelerating programs to harden U.S. satellites against attack." As of April 30, 2009, the "defense issues" page at <http://www.whitehouse.gov/issues/defense/> reads: "the full spectrum of U.S. military capabilities depends on our space systems. To maintain our technological edge and protect assets in this domain, we will continue to invest in next-generation capabilities such as operationally responsive space and global positioning systems. We will cooperate with our allies and the private sector to identify and protect against intentional and unintentional threats to U.S. and allied space capabilities.")

15. Outer space "Code of Conduct": The issue of proposals for an outer space "Code of Conduct" will probably not be a major issue, but some delegations may seek clarification of the new administration's position. These requests for clarification may note a drafting project for a "Code of Conduct for Outer Space Activities" that was endorsed in December 2008 by the council of the European Union (ref G). If raised, the USDEL may draw upon the following points as necessary:

-- The United States intends to play a leading role in advancing transparency and confidence building measures (TCBMs) relating to space activities. Such TCBMs can help increase transparency regarding governmental space policies, strategies and potentially hazardous activities. This can help to reduce uncertainty over intentions and decrease the risk of misinterpretation or miscalculation in a crisis.

-- In this regard, the administration intends to continue to work closely with our friends and allies in Europe and elsewhere to develop voluntary TCBMs that all space-faring nations can support and actively participate in for the benefit of all nations.

-- Any international effort to develop TCBMs should complement, and not unnecessarily duplicate, the work of the COPUOS.

-- It is important that the United States work closely with its allies to implement the diplomatic or military measures that may be necessary both to ensure the continued operation (and responsible use) of military, intelligence, civil, and commercial satellites and to respond appropriately if these satellites are targeted in a hostile manner.

16. Military Space Activities: The nature and conduct of U.S. military space activities will probably not be a major issue. However, some delegations may raise various U.S. military activities as a tactical device to undercut U.S. efforts to promote general and universal principles for spaceflight safety. If raised, USDEL may draw on following points, as necessary:

-- The lawful military uses of space have broad benefits for the international community and enhance international peace and security. Some examples include treaty compliance/monitoring, communications, environmental monitoring, GPS, refugee tracking, counterterrorism, and sanctions enforcement.

-- The United States is committed to the principle that all spaceflight operations should be conducted in a safe and responsible manner that protects humans in space as well as robotic space systems and their mission.

-- To maintain our technological edge and protect assets in the space domain, we will continue to invest in next-generation capabilities such as operationally responsive space and global positioning systems. We will cooperate with our allies and the private sector to identify and protect

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against intentional and unintentional threats to U.S. and allied space capabilities.

--- (if asked) the U.S. commitment to safety and transparency was exhibited in last year's engagement of the disabled USA-193 satellite.

17. Report of the Legal Subcommittee: Ref B contains additional guidance. The 2009 session of the LSC produced some useful results and was notable for a number of positive developments that bode well future USG interests. Among these were (1) the absence of any sustained effort to introduce matters concerning space arms control; (2) the participation of governmental and non-governmental legal experts; and (3) the substantive discussion of national mechanisms for orbital debris mitigation and national legislation relevant to the peaceful use of outer space.

18. Space Based Geospatial Data for Sustainable Development: For several years, Brazil had sought to revisit the 1986 principles on remote sensing from space in the Legal Subcommittee. During the 2006 session of the LSC, Brazil instead proposed that the Subcommittee consider the question of cooperation in promoting the use of geospatial data for sustainable development. The Committee agreed to a multiyear work plan for a new item entitled "International Cooperation in Promoting the Use of Space-Derived Geospatial Data for Sustainable Development." This is the last year of the work plan. At this session the committee will review the use of geospatial data within the UN system and consider ways to foster international cooperation to build up national use of space-derived geospatial data for sustainable development.

19. Best Practices for Safe Space Operations: At the 50th Session of the full COPUOS, Chairman Brachet presented a comprehensive assessment of the future activities of COPUOS entitled, "Future Roles and Activities of the Committee on the Peaceful Uses of Outer Space." Brachet believes that COPUOS needs to play a role in shaping the international standards for space activities and in promoting international cooperation in areas such as research, applications, operations, and exploration. He believes that COPUOS should also look at the longer term issues facing the future

peaceful uses of outer space and identify where the committee can best contribute to the sustainability of space activities and to their future progress for the benefit of all.

¶10. Long-Term Sustainability of Space Activities: Chairman Brachet's assessment of the sustainability of space activities specifically noted the excellent work done by the STSC in the development of voluntary debris mitigation guidelines. The assessment noted the larger numbers of space actors and suggested that it is imperative to agree on "Rules of the Road" to avoid interference, collisions, and other mishaps, particularly by newcomers to space operations. Brachet is not suggesting that there is a need to modify the present treaty regime, but rather to develop recommendations to deal with the new realities of space operations. To further this concept, the government of France hosted an informal consultation group that met twice in 2008 and once in 2009 to produce, in collaboration with relevant intergovernmental organizations and representatives of the private sector, a technical assessment of the situation and potential future work in this area for COPUOS. The United States participated in all the meetings of the informal consultations and is a member of the drafting group established through these consultations to document the results. The consultations included a cross-section of COPUOS member states, international organizations, and commercial space operators. Those participating in the meetings agreed to continue the exchange of relevant views on this subject with the objective of drafting an outline document that could guide further work in this area by the STSC, no earlier than ¶2010. Brachet intends to have a fourth meeting of the informal working group to review the draft report.

At the last session of the STSC, France introduced a proposal to add to the agenda of the Subcommittee an item, to be considered under a multi-year work plan, entitled &Long

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Term Sustainability of Space Activities.<sup>8</sup> Although it was not possible to reach consensus at that time, the Subcommittee agreed that the topic was important and that the proposal would be submitted for a decision by the committee at this session pending results of informal consultations among member states. The proposal as drafted is acceptable to the United States and the USDEL should join consensus.

In the course of considering the French proposal, the USDEL should make the following points to ensure that the future work of the informal consultations and any proposal to the STSC is properly framed.

(a) Future work should address best practices associated with space operations, procedures, and policies from pre-launch through end-of-life activities (NOTE: These efforts should take into account, but not duplicate or reopen, the activities and recommendations being undertaken in the STSC working group on Nuclear Power Sources in space and the work of the STSC and IADC on orbital debris mitigation.).

(b) The future work should involve input from state members, space-faring nation representatives, commercial space operators and providers on their best practices associated with safe space operations, procedures, and policies.

(c) Future work could include the preparation of a consolidated list of best practices associated with safe space operations.

(d) For Future Reference: In the event that it is agreed at a future COPUOS that the STSC would develop voluntary safe space operation guidelines, those guidelines should:

(i) be no more stringent than the associated existing USG policies, principles, procedures, regulations, standard



practices, and guidelines;

(ii) remain voluntary for every state responsible for space activities and not be legally binding under international law;

(iii) not provide specific or additional penalties for failing to follow the guidelines, beyond those already provided under international law;

(iv) ensure that each proposed guideline maintains or improves the safety of spaceflight operations and protects the space environment without imposing unacceptable or unreasonable costs; and

(v) be consistent with the activities and recommendations of the STSC working group on Nuclear Power Sources in space, the work and recommendations of the IADC and the STSC concerning orbital debris mitigation and the COPUOS guidelines on orbital debris mitigation.

(e) any work of the STSC would not address the current outer space legal regime or any legal questions/issues. The USG position remains that:

(i) The 1967 Outer Space Treaty, 1968 Rescue and Return Agreement, the 1972 Liability Convention, and the 1975 Registration Convention should be adopted and fully adhered to by all nations;

(ii) the principles established in these agreements have stood the test of time because they created the fundamental guidelines required for the free access to, and use of, outer space for peaceful purposes; and,

(iii) these agreements form the legal basis for all outer space operations.

¶11. For Future Consideration: The International Civil Aviation Organization (ICAO), International

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Telecommunications Union (ITU), European Space Agency (ESA), and European Organization for the exploitation of meteorological satellites (EUMETSAT), Consultative Committee for Space Data Systems (CCSDS), and International organization for standardization (ISO) could be invited to send experts with relevant expertise in space operations to participate as observers in the informal consultations and future work of the STSC.

(a) An invitation to the ITU could emphasize the intergovernmental organization's possible contributions in providing information concerning the ITU's processes for coordinating use by geostationary satellites of radio frequencies and associated orbital locations.

(b) Invitations to ESA and EUMETSAT should note their respective roles as leading international intergovernmental organizations that have declared acceptance of rights and obligations under the liability agreement and the registration convention. They are both permanent observers in COPUOS.

(c) Invitations to CCSDS and ISO should not these organizations, activities in the development of common standards for space operations and data exchange.

¶12. Freedom of Action in Outer Space: The USG will oppose attempts at COPUOS to limit USG freedom of action in outer space and or to establish general prohibitions on legitimate U.S. peaceful space activities conducted in pursuit of national interests.

¶13. Space Object Tracking: The USG intends to continue to voluntarily offer its unclassified space object tracking data, free of charge, to nations as well as commercial

operators and civil society.

14, Finally, the U.S. Delegation reaffirms that the United States;

- remains open about the basic principles of its national space policies;

- reaffirms its commitment to the principle of free access to and use of space by all/all nations for peaceful purposes;

- continues to seek international cooperation with other nations in the peaceful uses of outer space;

- remains ready to work with other nations to extend the benefits of space, to enhance space exploration, and to use space to protect and promote freedom around the world; and,

- requests that other nations demonstrate similar transparency regarding their own space policies, procedures, activities and intentions in outer space.

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